

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**CALVIN McCRAW,  
G. WAYNE MARSHALL,  
MARK FAULK,  
TRISTA WILSON,  
NEAL SCHINDLER,  
OKLAHOMA LIBERTARIAN PARTY,  
RED DIRT REPORT,**

Plaintiffs,

-vs-

**CITY OF OKLAHOMA CITY, an Oklahoma  
municipal corporation;  
WILLIAM CITY, in his official capacity as  
CHIEF OF THE OKLAHOMA CITY POLICE  
DEPARTMENT,**

Defendants.

**CASE NO. CIV-16-0352-HE**

**SUPPLEMENTAL DECLARATION OF D. MICHAEL McBRIDE III**

I, D. Michael McBride III, of lawful age, pursuant to 28 U.S.C. § 1746,  
declare as follows:

1. I submit this Supplemental Affidavit to my previous Affidavit filed on April 26, 2021 (Doc. 213-7) solely to identify various tasks that I would classify as a lawyer's responsibility and for which I would bill attorney time.

2. I believe the filing of pleadings, briefs and other litigation documents in the Case Management Electronic Court Filing system ("ECF") properly constitutes a task properly performed by a lawyer and billed at a lawyer's normal hourly rate. First, only lawyers, court personnel, or others authorized by the court, such as mediators, can register to use ECF. A paralegal or clerical member of my firm cannot obtain separate

Plaintiff's  
**Exhibit**

Dkt. 216 Ex. 2

McCraw v. OKC, No. CIV-16-352-HE

authorization to register and use ECF. Second, ECF is a direct interaction with the Clerk's office that generates an official court record. Third, there are required certifications and responses when filing through ECF that necessitate a lawyer's legal knowledge or familiarity with the case, such as requested relief, redactions, modifications of docket text, and compliance with various rules. Accordingly, ECF identifies the person accessing the system as an "Attorney Filer," and this Court's manual makes lawyers "responsible and accountable for all documents filed" under their registration. ECF Policies & Procedures Manual § I.C.1 (W.D. Okla. May 2021). The bottom line is that the buck stops with me as the responsible filing lawyer--if something goes wrong it is my responsibility. I cannot shirk responsibility and blame others should something go awry.

3. While ECF now allows attorneys to delegate filing to paralegals or administrative assistants, I remain very cautious about delegating the task of filing pleadings or other important case documents to non-lawyers. As the Tenth Circuit's ECF manual makes explicit, the attorney registrant remains responsible for "compliance with all rules and regulations." CM/ECF User's Manual § II.C.4.d (10th Cir. Jan. 1, 2021). The buck stops with me.

4. In addition, I believe that primarily lawyers create and select exhibits as well as appendices for motions, hearings, trial, and appeal. Decisions over the content, form, and presentation of evidence for admission or argument often demand legal knowledge, skill, strategy, or careful scrutiny, editing and judgment. While technical aspects of production, such as the formatting of video files or binding of exhibit books, may require or be amenable to expert team assistance by secretaries, IT staff, legal

assistants, or accounting staff, such work nonetheless requires attorney supervision to ensure compliance with evidentiary and court rules as well as legal and strategic considerations. Again, the buck stops with me.

5. I DECLARE NOTHING FURTHER.

**VERIFICATION**

I state under penalty of perjury that the foregoing claim is true and correct according to my own knowledge and best information and belief and as to any matters based upon information and belief, I believe them to be true. I sign this Declaration this day 4th of June, 2021 in Tulsa, Oklahoma, in conformance with 28 U.S.C. §1746..



**D. MICHAEL MCBRIDE III**